

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KOURTNEY RHOADS,**  
**Plaintiff**

**v.**

**ALTHOM INC. d/b/a MAACO AUTO  
PAINTING, et al.,**  
**Defendants**

:  
:  
:  
:  
:  
:  
:

**No. 1:21-cv-01214**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 20th day of March 2023, upon consideration of the motion to dismiss filed by Defendants Althom Inc. d/b/a MAACO Auto Painting, Alan Bailey, Donna Bailey, and Shawn Moul (collectively, “Defendants”) (Doc. No. 15), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant’s motion to dismiss (Doc. No. 15) is **GRANTED IN PART** to the extent that Counts VI and VII (IIED), Count VIII (negligent supervision), Count IX (assault/battery), and Counts XI through XIV (PHRA) are **DISMISSED WITH PREJUDICE**;
2. Defendant’s motion to dismiss is **DENIED** in all other respects;
3. The remaining counts of Plaintiff’s complaint are her federal claims (Counts I-V) and her state law claim for negligent infliction of emotional distress (Count X); and
4. A case management conference will be scheduled by separate Order.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania